

Exhibit "A"

LEGAL DESCRIPTION

Exhibit "B"

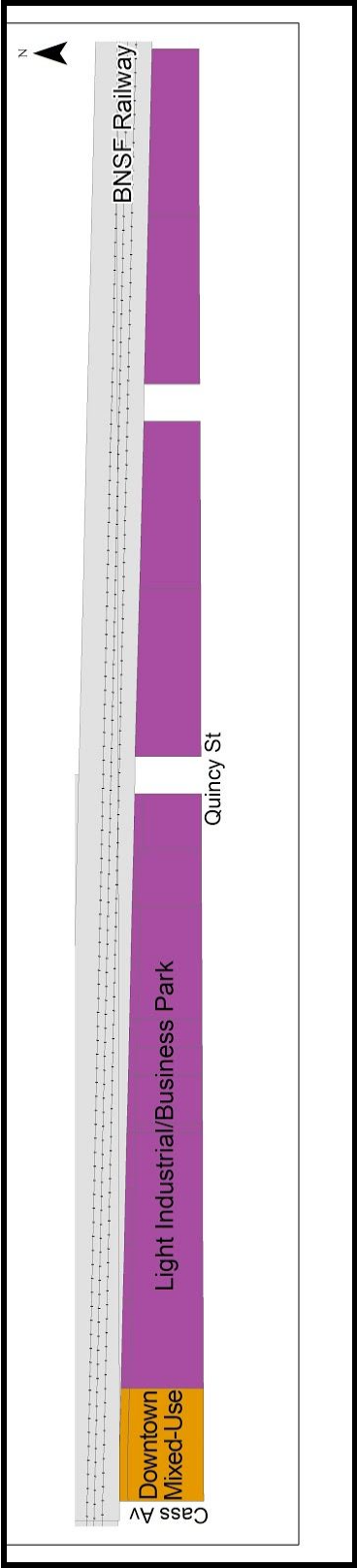


Exhibit "C"

Zoning Text Amendment - M-1 Limited Manufacturing District

ARTICLE VIII. - MANUFACTURING AND OFFICE/RESEARCH DISTRICTS

Sec. 8.01. - Preamble.

The regulations for the manufacturing and office/research districts are designed to provide for the establishment of a full range of manufacturing and office activities and to govern their operations in a manner that will not have a deleterious effect on residential and business areas. It is essential that there be adequate provision for the expansion and diversification of industry and office/research facilities, both those existing today and for the attraction of new facilities. Adequate well-located manufacturing and office sites and room for expansion of established facilities will encourage manufacturing and office growth, and expansion of Westmont's economic base. It will also open new opportunities for a variety of employment for its labor force. (See article XIII relative to certification required as to compliance with the performance standards of these districts.)

The M and M-1 manufacturing districts are established to provide an environment suitable for manufacturing activities that require a pleasant and nuisance-free environment and that will be compatible with any adjacent residential and business uses. The O/R office-research district is established to provide an area for the promulgation of office/research facilities where they can be compatible with other land uses in the village.

Sec. 8.02. - Manufacturing and Limited Manufacturing district provisions.

(A) *Operations within enclosed buildings.* Except as authorized pursuant to a special use permit for outdoor storage in the M-1 limited manufacturing district, all activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products and goods shall be conducted within completely enclosed buildings.

(B) *Outdoor storage.* Outdoor storage is allowed only in the M-1 limited manufacturing district pursuant to a special use permit and approval of an accompanying site plan and landscape plan. The site plan shall show the location of all structures in the outdoor storage area, the location of all materials, vehicles and equipment to be stored, the location of all drive aisles and parking areas, and the location of all fences/walls and gates used to screen the outdoor storage area. All outdoor storage areas shall be enclosed and screened by a solid fence or wall 8 feet in height, including solid doors or gates. A building may also serve as part of the screen for outdoor storage. The outdoor storage of materials, equipment and vehicles unrelated to the primary business operating from the property is not allowed.

(C) *Performance standards.* Any use established in the manufacturing district and limited manufacturing district shall be so operated as to comply with the performance standards governing:

- (1) Noise;
- (2) Vibration;
- (3) Smoke and particulate matter;
- (4) Toxic matter;
- (5) Odorous matter;
- (6) Fire and explosive hazards;
- (7) Glare and heat; and
- (8) Radiation hazards,

as set forth hereinafter.

Established uses may be altered, enlarged, expanded or modified provided that the additions or changes comply with said performance standards and comply with all other village ordinances, codes and regulations.

(1) *Performance standards—Noise.* For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.

The flat network and the slow meter response of the sound level meter shall be used. Sounds of very short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (American National Standards Institute Standard S 1.6—1967, Preferred Frequencies and Band Numbers for Acoustical Measurements) shall be used.

The following uses and activities shall be exempt from the noise level regulations:

Noises not directly under the control of the property user.

Nonroutine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.

The noises of safety signals, warning devices and emergency pressure relief valves.

Transient noises of moving sources of noise such as automobiles, trucks, excavation equipment, tractors, airplanes and railroads.

The decibel values specified for measurement at nearest residence districts shall be reduced by three decibels between the hours of 7:00 p.m. and 7:00 a.m. In manufacturing districts, the generation of noise shall not exceed the decibel limits prescribed below:

Maximum Permitted Sound Levels

Decibels (re .0002 Microbar)

Octave Band Preferred Frequencies (cycles per second)	Measured at Neighboring Lot	Measured at Nearest Residential Lot Line
31.5	83	76
63	78	71
125	72	65
250	64	57
500	57	50
1,000	51	45
2,000	46	39
4,000	41	34
8,000	38	32

Impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:

	Measured at Neighboring Lot	Measured at Nearest Residential Lot Line
Overall peak	86	80

(2) *Performance standards—Vibration.* In the manufacturing districts, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values or vibration limits given below.

Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.

The maximum permitted displacements shall be determined by the following formula:

$$D = K / f$$

where	D	=	Displacement in inches.
	K	=	A constant to be determined by reference to the following tables.
	f	=	The frequency of the vibration transmitted through the ground, cycles per second.

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding paragraph (2) and the appropriate K constant shown in table 1.

Table 1. Values of K to be used

in Vibration Formula

Location	K
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In any neighboring lot:		
	Continuous	0.008
	Impulsive	0.015
	Less than eight pulses per 24-hour period	0.037
In any residence district:		
	Continuous	0.003
	Impulsive	0.006
	Less than eight pulses per 24-hour period	0.015

(3) *Performance standards—Smoke and particulate matter.* The emission of smoke or particulate matter in sufficient quantities and of such characteristics and duration as to be injurious to public health and safety or which unreasonably interferes with personal comfort and welfare is hereby declared to be a public nuisance and shall not be permitted in the manufacturing districts.

For the purpose of grading the density of equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 (May 1967) shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting or other acceptable means.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four-hour period which will result in the highest average emission rate.

The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for not more than two minutes in any four-hour period, smoke up to and including Ringelmann No. 2 shall be permitted.

The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed five-tenths of a pound per acre of lot area per hour.

Suspended particulates carried across lot lines shall not exceed 25 micrograms per cubic meter, averaged over a 24-hour period at ground level or habitable elevation.

(4) *Performance standards—Toxic matter.* The release of airborne toxic matter shall not exceed 1/30 of the threshold limit values currently recommended by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period. If a toxic substance is not listed, the applicant shall be required to submit documented proof that the proposed levels will be safe and not detrimental to the public health or injurious to plant and animal life.

(5) *Performance standards—Odorous matter.* The emission of odorous matter shall be in accordance with the requirements of each district.

The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.

When odorous matter is released from any operation, activity or use in the manufacturing districts, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.

(6) *Performance standards—Fire and explosive hazards.*

(a) *Detonable materials.* Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each district.

Such materials shall include but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is limited to an inventory of five pounds.

(b) *Flammable solids.* In all manufacturing districts the storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

In the manufacturing districts, the storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having no less than two-hour fire-resistant exterior walls and protected with an automatic fire extinguishing system; or

Said material, if stored outdoors, will be not less than 100 feet to the nearest lot line and provided that a special use permit is obtained which specifically approves the outdoor storage of said materials or products.

(c) *Flammable liquids and gases.* The storage, utilization or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Aboveground flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines. Flammable liquids and gases in original sealed containers [of] 55 gallons liquid capacity or less may be stored or utilized without restriction within a completely enclosed building.

Total Capacity of Flammable

Materials Permitted

(in gallons)

	Aboveground (within enclosed building)	Underground
Materials having a closed cup flashpoint over 187 degrees but less than 300 degrees Fahrenheit	20,000	100,000
From and including 105 degrees Fahrenheit to and including 187 degrees Fahrenheit	10,000	100,000
Materials having a closed cup flashpoint of less than 105 degrees Fahrenheit	3,000	100,000

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

(7) *Performance standards—Glare and heat.* In all manufacturing districts, any operation or activity producing glare or heat shall be conducted within a completely enclosed building in such manner as not to create a public nuisance or hazard beyond the boundaries of the lot.

(8) *Performance standards—Radiation hazards.*

Release outside property lines: In all manufacturing districts, the release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Illinois.

Unsealed radioactive materials: In all manufacturing districts, unsealed radioactive materials shall not be manufactured, utilized or stored (except when such materials are stored in a fireproof container at or below ground level) in excess of the following multiples of the quantities set forth in the table of Quantities of Radioactive Materials (see Appendix A).

Appendix A

Quantities of Radioactive Materials

	Unsealed sources (curies)
Actinium 227	0.1
Americium 241	0.1
Antimony 124	1
Arsenic 73	10
74	10
76	10
77	10
Astatine 211	0.1

Barium-lanthanum 140	1
Beryllium 7	100
Bromine 82	10
Cadmium-silver 109	10
Calcium 45	1
Carbin 14	1,000
Cerium-praseodymium 144	1
Cesium-barium 137	10
Chlorine 36	10
Chromium 51	100
Cobalt 58	10
60	10
Copper 64	10
Curium 242	0.1
Europium 154	1
Fluorine 18	100
Gallium 72	10
Germanium 71	100
Gold 196	10
198	10
199	10

Holmium 166	10
Hydrogen (tritium) 3	1,000
Indium 114	1
Iodine 131	1
132	10
Iridium 190	10
192	10
Iron 55	10
59	1
Krypton 85	1,000
Lanthanum 140	10
Lead 203	10
210 + dtrs	0.1
Lutecium 177	10
Manganese 52	10
54	10
56	10
Molybdenum 99	10
Nickel 59	10
63	10
Niobium 95	10

Palladium-silver 109	10
Palladium-rhodium 103	10
Phosphorus 32	10
Platinum 191	10
193	10
Plutonium 239	0.1
Polonium 210	0.1
Potassium 42	10
Praseodymium 143	10
Promethium 147	10
Radium 226	0.1
Rhenium 183	10
186	10
Rhodium 105	10
Rubidium 86	10
Ruthenium 103	10
Ruthenium-rhodium 106	1
Samarium 151	1
153	10
Scandium 46	10
47	10

48	10
Silver 105	10
110	10
111	10
Sodium 22	10
24	10
Strontium 89	1
Strontium-yttrium 90	0.1
Sulfur 35	10
Tantalum 182	10
Technetium 96	1
99	1
Tellurium 127	10
129	10
Thallium 200	10
201	100
202	10
204	10
Thorium natural	100
Thorium-protactinium 234	1
Thulium-ytterbium 170	1

Tin 113	10
Tungsten 181	10
185	10
Uranium 233	0.1
natural	1,000
Vanadium 48	10
Yttrium 91	1
Zinc 65	10
Zirconium-niobium 95	10

(D) *Site plan approval.*

(1) Prior to the issuance of a building permit for any structure located on a lot, parcel or tract of land in the manufacturing districts, and in conjunction with a request for any special use permit, a site development plan, to include a landscaping plan, shall be presented to the planning and zoning commission for a recommendation and shall be submitted to the village board for approval or denial.

(2) The purpose of site plan approval is to provide for development of sites which consider all the elements of good land planning, as applicable, so as to provide an adequate relationship (a) between structures both on the site and on adjacent properties and (b) between the land uses both on the site and on adjacent properties while at the same time providing for adequate space, light, air, use and bulk limitations, to promote the health, safety and welfare of the village and its residents.

(3) In granting or withholding approval of site plans, the board of trustees shall be guided in the reasonable exercise of their discretion by the following standards:

(a) All plans shall be so designed that the public health, welfare and safety will be protected.

(b) The proposed development of the site shall be such that it does not cause substantial injury to the value of other property in the neighborhood.

(c) All plans shall provide for protection of both aesthetics and function of the natural environment, which shall include, but not be limited to, conditions pertaining to floodplains, soil and geologic characteristics and preservation of vegetation.

(4) No site plan approval shall be withheld unless the board of trustees shall determine that one or more of the foregoing standards is not satisfied. The reason for such withholding of approval shall be recorded in the proceedings of the board of trustees.

(5) An owner and/or operator shall continually maintain, repair and replace as necessary all landscaping, fences, walls and other screening shown on an approved site and/or landscape plan.

(E) *Planned development approval in M-1 limited manufacturing district.* Any expansion, redevelopment or development of property in the M-1 limited manufacturing district shall be processed as a planned development due to lot size restrictions and in order to promote flexibility in design and corresponding public benefits.

(Ord. No. 80-46, 11-17-1980; Ord. No. 85-15, 2-4-1985; Ord. No. 88-35, § 3, 3-21-1988; Ord. No. 07-103, § 1, 6-4-2007)

Sec. 8.06. - Limited manufacturing district.

Purpose. The purpose of the M-1 limited manufacturing district is to accommodate manufacturing and similar uses existing as of the date of the creation of this district and to allow limited manufacturing and similar uses which have minimal impacts on surrounding properties. The M-1 limited manufacturing district shall be restricted to office, research, employment and limited manufacturing uses as defined herein and as listed in section 8.07

Sec. 8.07. - Permitted and special uses in the limited manufacturing district.

				M-1 district		
Use				Permitted Use	Special Use	Special Conditions Code No. (see 8.08)
(A)	Limited manufacturing establishments (see definition)			P	—	
(B)	Other uses:					

	(1)	Artisanal manufacturing establishments	P	—	
	(2)	Bakeries	P	—	
	(3)	Broadcast or recording studio	P	—	
	(4)	Building material sales and storage, including lumber, electrical and plumbing supplies	P	—	
	(5)	Business and professional office	P	—	
	(6)	Community and rain gardens	P	—	
	(7)	Contractors' offices and shops	P	—	
	(8)	Craft alcoholic beverage producers	—	S	2
	(9)	Equipment, product and component manufacturing	—	S	2
	(9a)	Equipment, product and component manufacturing existing as of the date of creation of the M-1 limited manufacturing district	P		

	(10)	Greenhouses and nurseries	P	—	
	(11)	Hardware stores	P	—	
	(12)	Landscape contractor's office	P	—	
	(13)	Packing and crating	P	—	
	(14)	Parks and recreation	P	—	
	(15)	Printing and publishing establishments	—	S	2
	(16)	Public utility and governmental service uses.	—	S	2
	(16a)	Public, utility and governmental service uses existing as of the date of creation of the M-1 limited manufacturing district	P		
	(17)	Accessory uses to the above uses, including but not limited to:			
		(a) Off-street parking and off-street loading as regulated in article X	P	—	

		(b)	Outdoor storage	—	S	1, 2
		(c)	Outdoor sales lot		S	1, 2
		(d)	Retail	P	—	
		(e)	Signs as regulated in article XI	P	—	

Sec. 8.08. Special Conditions.

Prior to the authorization of a special use, and in addition to meeting all other special use standards, applicants for certain special uses must meet those special conditions listed herein when required in section 8.07:

Code No.

1. Outdoor storage must comply with Section Sec. 38-82.
2. Site and landscape plan approval is required in conjunction with special use approval.

Sec. 8.09. - Bulk and development standards in the limited manufacturing district.

The following bulk and development standards shall apply in the limited manufacturing district:

- (A) Maximum height of buildings and structures: 35 feet.
- (B) Minimum lot area: 10,000 square feet.
- (C) Minimum yards:
 - (1) Front yard and side yard adjoining a street: 5 feet.
 - (2) Interior side, except as provided in subsection (4) below: five feet each.
 - (3) Rear: 10 feet
 - (4) Interior side and rear yards adjoining a residence district: 10 feet; such yards adjoining a residence district shall provide a solid seven-foot-high fence along the lot line or a dense landscape screen as approved through the site and landscape plan approval in Section 8.02.
- (D) Off-street parking and off-street loading: Required in all districts in accordance with regulations set forth in article X of this ordinance.

- (E) Expansion, redevelopment or development of property shall be processed as a planned development as set forth in section 8.02(E) of this article.

Article XIV - DEFINITIONS:

Artisan manufacturing establishments: Uses that involve the on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

Building materials: Dimension lumber, millwork, cabinets and other building materials, including milling, planing, jointing or manufacturing of millwork.

Junk or Salvage Yard: An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, sorted, or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

Manufacturing establishment, general: An establishment, the principal use of which is manufacturing, fabricating, processing, assembling, repairing, storing, cleaning, servicing or testing of materials, goods or products.

Manufacturing establishment, limited: Manufacturing uses that process, fabricate, assemble, treat, test, or package parts or products without the use of explosive or petroleum materials, unless approved by a special use permit. Uses in this district do not involve the assembly of large equipment and machinery and have limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic. Uses include artisanal manufacturing activities, such as the on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no or limited negative external impacts on surrounding properties.

Outdoor storage: Any open-to-the-sky storage of goods, equipment or materials, including the storage of landscaping material and commercial vehicles and equipment.

Exhibit “D”

Zoning Map Amendment

